

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tessa Yesselman	Team: Squad #4	CCRB Case #: 201905654	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/18/2019 2:00 PM	Location of Incident: § 87(2)(b)	Precinct: 70	18 Mo. SOL 12/18/2020	EO SOL 8/4/2021	
Date/Time CV Reported Tue, 06/18/2019 4:10 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 06/27/2019 11:04 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Fadi Albishara	17767	961607	070 PCT
2. POM Christophe Pierre	02499	962014	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Fadi Albishara	Abuse: Police Officer Fadi Albishara forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
B.POM Christophe Pierre	Abuse: Police Officer Christopher Pierre forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
C.POM Christophe Pierre	Force: Police Officer Christopher Pierre used force against § 87(2)(b)	§ 87(2)(b)
D.POM Fadi Albishara	Abuse: Police Officer Fadi Albishara refused to provide his name to § 87(2)(b)	§ 87(2)(b)
E.POM Fadi Albishara	Abuse: Police Officer Fadi Albishara refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
F.POM Fadi Albishara	Discourtesy: Police Officer Fadi Albishara spoke discourteously to § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

### **Case Summary**

On June 20, 2019, § 87(2)(b) filed this complaint with IAB (log number 2019-24208) (**01 Board Review**). This case was received by the CCRB on June 27, 2019.

On June 18, 2019, at 1170 Ocean Avenue, Apartment 5C, Police Officers Fadi Albishara and Christopher Pierre, both of the 70th Precinct, removed § 87(2)(b) to the hospital (**Allegation A and Allegation B: Abuse of Authority, § 87(2)(g)**). PO Pierre allegedly used physical force against § 87(2)(b) (**Allegation C: Force, § 87(2)(g)**). PO Albishara refused to provide his name and shield number to § 87(2)(b) (**Allegation D and Allegation E: Abuse of Authority, § 87(2)(g)**) and spoke discourteously to § 87(2)(b) (**Allegation F: Discourtesy, § 87(2)(g)**). § 87(4-b), § 87(2)(g)

No arrests were made or summons issued as a result of this incident.

The CCRB obtained body worn camera footage of this incident (**03 Board Review, 18 Board Review**).

### **Findings and Recommendations**

**Allegation (A) Abuse of Authority: Police Officer Fadi Albishara forcibly removed § 87(2)(b) to the hospital.**

**Allegation (B) Abuse of Authority: Police Officer Christopher Pierre forcibly removed § 87(2)(b) to the hospital.**

It is undisputed that PO Albishara and PO Pierre forcibly removed § 87(2)(b) to the hospital.

On June 18, 2019, § 87(2)(b) (**02 Board Review**) called 911 to report alleged child abuse in § 87(2)(b), the apartment above his. PO Albishara (**05 Board Review**) and PO Pierre (**06 Board Review**) responded to this call, along with EMT § 87(2)(b) (**08 Board Review**) and EMT § 87(2)(b) (**07 Board Review**). PO Pierre and PO Albishara were familiar with § 87(2)(b) and categorized him as a chronic 911 caller. The SPIA (**17 Board Review**) confirms that between June 1, 2019, and June 30, 2019, officers responded to thirteen different jobs regarding § 87(2)(b) and § 87(2)(b).

On June 18, 2019, PO Albishara (**05 Board Review**), PO Pierre (**06 Board Review**), EMT § 87(2)(b) (**08 Board Review**) and EMT § 87(2)(b) (**07 Board Review**) spoke to the tenants inside of Apartment 6C and determined that there were no children inside of the apartment. PO Albishara and PO Pierre both stated the tenants of Apartment 6C complained about § 87(2)(b)'s continued calls against them and said that the children were not currently home. After this conversation, PO Albishara, PO Pierre, EMT § 87(2)(b) and EMT § 87(2)(b) went downstairs to speak with § 87(2)(b). § 87(2)(b) told the officers that he was currently hearing the noises from upstairs. PO Albishara and PO Pierre told § 87(2)(b) that he had to go to the hospital because they had talked to the tenants in § 87(2)(b) and learned that there were no children currently in the home and because § 87(2)(b) was a chronic 911 caller. Based on the number of 911 calls made by § 87(2)(b) and their determination that there were currently no children in § 87(2)(b), PO Pierre and PO Albishara thought that § 87(2)(b) was hearing voices and that he was unable to care for himself and a danger to himself.

EMT § 87(2)(b) and EMT § 87(2)(b) stated that they believed § 87(2)(b) was hearing voices and was in a state of physical disarray, and that they determined that he needed to go to the hospital for a psychological evaluation. The Aided Report (**14 Board Review**) prepared by PO Pierre states that § 87(2)(b) was marked as an emotionally disturbed person (EDP) with a prior EDP history. § 87(2)(b)

§ 87(2)(b) was unable to care for himself and was hearing voices.

§ 87(2)(b) was taken to § 87(2)(b) and received a psychiatric evaluation. § 87(2)(b)'s medical records (**04 Board Review**) show that he has diabetes, hypertension, a psychiatric history, PTSD, anxiety, and panic attacks. § 87(2)(b) was deemed as low risk and was not considered to be at risk of harming himself or others.

As per Patrol Guide Procedure 221-13: An emotionally disturbed person (EDP) is a person who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner which a police officer reasonably believes is likely to result in serious injury to themselves or others. If an EDP is unarmed, not violent, and is willing to leave voluntarily, they may be taken into custody without the specific instruction of a supervisor. Officers should request an ambulance if one has not already been dispatched (**13 Board Review**). As per Patrol Guide Procedure 216-01: members of service shall cooperate with ambulance and hospital personnel in every reasonable manner (**Board Review 12**).

§ 87(2)(g)

[REDACTED]

**Allegation (C) Force: Police Officer Christopher Pierre used physical force against § 87(2)(b)**. § 87(2)(b) (**02 Board Review**) stated that after he was handcuffed, he told the officers that he did not want to leave his apartment without his keys, because he did not want to be locked out. § 87(2)(b) thought that his keys might be on his bed. PO Pierre and PO Albishara walked § 87(2)(b) back inside of his apartment to look for the keys. § 87(2)(b) stated that he sat down on his bed to look for his keys and that PO Pierre brought him to the ground and used an asp against him. PO Pierre (**06 Board Review**) stated that he did not use his asp at any point during his interaction with § 87(2)(b) and that § 87(2)(b) was never brought to the ground. PO Albishara (**05 Board Review**) did not recall ever seeing PO Pierre use his asp and did not recall § 87(2)(b) being on the ground.

At 6:42 in PO Pierre's body worn camera footage (**18 Board Review**), § 87(2)(b) sits down on his bed. At 6:47, PO Pierre and PO Albishara pull § 87(2)(b) up off of his bed by his arms. At 6:50, PO Pierre begins walking § 87(2)(b) back out of his apartment, holding both of his arms. At 6:45, in PO Albishara's body worn camera footage (**03 Board Review**), § 87(2)(b) sits down on his bed. At 6:46, PO Pierre is seen walking § 87(2)(b) out of his apartment.

§ 87(2)(g)

[REDACTED]

**Allegation (D) Abuse of Authority: Police Officer Fadi Albishara refused to provide his name**

and shield number to § 87(2)(b)

**Allegation (E) Abuse of Authority: Police Officer Fadi Albishara refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b) (02 Board Review) stated that he asked the officer knocking on his door for his name and that the officer said to open the door and he would give him the information. Once § 87(2)(b) opened the door, the officer did not provide him with the information. PO Pierre (06 Board Review) did not recall if § 87(2)(b) ever requested the officers' names and shields numbers. PO Albishara (05 Board Review) stated that § 87(2)(b) did not ask for his name through the door, but did ask while they were waiting for the elevator. PO Albishara did not provide § 87(2)(b) with his name and shield number at this time because § 87(2)(b) was not being compliant and was not listening to anything else PO Albishara was saying. PO Albishara thought that he "may" have provided § 87(2)(b) with his name and shield number during the ambulance ride.

The portion of PO Albishara's body worn camera footage that captures PO Albishara knocking on § 87(2)(b)'s front door does not contain audio, so the investigation was unable to determine whether § 87(2)(b) requested his name through the door. The footage (03 Board Review) shows that at 7:20, § 87(2)(b) says, "I want your ID and your number. I want your name and your number." to PO Albishara. PO Albishara responds, "Yeah no problem," and, "You will get it. Trust me." At 8:16, § 87(2)(b) says, "I need your name." PO Albishara responds, "It's right here, see it? You can read it, right?" § 87(2)(b) responds, "No, I can't read it." PO Albishara says, "It's right here. It's right here." § 87(2)(b) says, "No. Give me your ID, give me your ID. I can't read it." PO Albishara says, "That's your problem. I don't have to give you my ID." § 87(2)(b) repeatedly says, "Stop yelling at me." PO Albishara says, "It's right here. If you can't read it, that's your problem." At 10:40, § 87(2)(b) PO Albishara, and EMT § 87(2)(b) enter the ambulance. At 28:15, § 87(2)(b) says, "This guy comes to my house and he won't even give me his ID" in reference to PO Albishara. EMT § 87(2)(b) says, "They don't give out ID's." PO Albishara says, "No, we don't." § 87(2)(b) says, "Yeah, you do." PO Albishara says, "So go to IAB and tell them I refused to provide you with my ID. Tell them." At 30:10 the ambulance arrives at the hospital and § 87(2)(b) exits the ambulance.

Patrol Guide Procedure 203-09 (10 Board Review) states that officers must "courteously provide [their] rank, name, shield number, and command, or otherwise provide them, to anyone who requests [them] to do so. Allow the person ample time to note this information."

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation (F) Discourtesy: Police Officer Fadi Albishara spoke discourteously to § 87(2)(b)**

It is undisputed that PO Albishara spoke discourteously to § 87(2)(b). While § 87(2)(b) did not allege that PO Albishara spoke discourteously to him, PO Albishara's body worn camera footage shows him do so, and PO Albishara acknowledged doing so.

PO Albishara's body worn camera footage (03 Board Review) shows that at 3:47, PO Albishara told § 87(2)(b) to, "Stop smoking crack." At 9:40, PO Albishara says, "You're crazy," to § 87(2)(b). At 9:48, PO Albishara says, "Your whole building is saying it... Even the kids in the lobby called

you a crazy person.” At 29:16, PO Albishara says, “The kid in the lobby said, ‘oh, the crazy guy’ you didn’t hear that?”

PO Albishara (**05 Board Review**) stated that he told § 87(2)(b) to, “Stop smoking crack,” because he saw a glass pipe on § 87(2)(b)’s bed. PO Albishara thought § 87(2)(b) might be under the influence of a narcotic and thought that if § 87(2)(b) was sober he would be able to communicate more effectively with the officers. PO Albishara did not do any further investigation into the pipe and did not ask § 87(2)(b) about the pipe. PO Pierre did not observe a glass pipe in § 87(2)(b)’s home. PO Albishara did not have a specific reason for why he called § 87(2)(b) crazy. PO Albishara stated that he made the comments amid a “heated exchange” with § 87(2)(b).

Patrol Guide Procedure 203-09 (10 Board Review) states that officers must be courteous and respectful (**13 Board Review**).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been party to one previous CCRB complaint and has been named as a victim in two allegations (**15 Board Review**).
- § 87(2)(b)
- PO Albishara has been a member of service for three years and has been a subject in three CCRB complaints and five allegations, of which none were substantiated.
- CCRB case 201805061 involved an allegation of discourtesy- word, which was closed as complainant unavailable.
- PO Pierre has been a member of service for three years and has been a subject in one CCRB complaint and one allegation, which was substantiated.
- CCRB case 201809275 involved a substantiated allegation of offensive language. The Board recommended formalized training and the NYPD has not yet imposed discipline.
- § 87(2)(g)

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**16 Board Review**).

- As of December 3, 2019, results for a FOIL for a Notice of Claim sent to the NYC Comptroller's Office is pending.
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Squad No.: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date